3/18/72

President
American Broadcasting Company
New York, N.Y.

Dear Sir,

Doubleday, an enormous publishing and book-selling enterprise, is about to bring out Gerald Frank's book titled "An American Death". The investment in this work, beginning with a reported six-figure advance several years ago and today including a number of book-club offerings, is exceptionally large. Commercial success is impossible without the free use of the people's air by radio and TV.

A large number of questions of national importance are involved in any airing of any aspect of the subject of this book, the assassination of Dr. Martin Luther King, Jr., the workings of our system of justice in the very broadest concept and the rights of the accused, who has never been tried and is called the lone assassin by Mr. Frank. In fact, James Earl Ray, aided by volunteer counsel, to today, seeking a trial. His rights, I believe, and his prospects of getting a public trial may be seriously impeded by a partisan presentation of the other side, that of Mr. Frank and his book.

Should you desire that I detail the national issues of significance I believe involved, I will be happy to do it. I think more than enough of them are obvious.

Mr. Ray, who is in jail and for that and other reasons cannot speak for himself, has authorized me to speak for him in this matter. To the best of my knowledge, and this includes Mr. Frank, nobody but me has made the elaborate and detailed investigation of the crime itself (as distinguished from commercial schmalz) necessary not only for the impartial presentation of the fact of the crime but also for the presentation of the other-than-official version of the crime and all the questions involved in it.

My extensive work resulted in the appearance of a book, FRAME-UP, a year ago. ABC and its licensees and affiliates, declined to present to the people the fact and content of this book, which are contrary to those presented by Mr. Frank. Let me trace this history for you, because it amounts to a policy position by ABC on the subject.

Your midwest news office was interested and referred me to your New York office. Aside from whatever, if anything, my publisher did, I then spoke to several people in Av Weston's office and supplied copies of the book. They referred me to the ABC Washington news office and I made a special trip there with the book, after phoning. I left the book with a member of Bill Lord's staff. In several subsequent conversations an assistant expressed an interest in airing some of the content of this study, but after a year it has not happened. That book, for all practical purposes, is now dead. There can be no profit in it or any presentation of me on the side of all these questions opposite that of Mr. Frank and others already and extensively aired by ABC.

The Dick Cavett Show presented Percy Foreman, the man who prevented a trial and whose commercial interest in the case as Ray's counsel was compromised by any trial, which would make the entire matter public domain. I wrote Mr. Cavett a number of times, without response. I sent him a certified letter, which was not accepted and was returned to me. I wrote his

agent after a friend spoke to the agent and received his assurances that my letter would reach Mr. Cavett. There has been no response, not even acknowledgement.

So, on this subject, in all its ramifications and on all the national issues inextricably involved, ABC, probably without the knowledge of management, has taken a partisan position and aired only one side. I think this violates applicable FCC regulations.

I think it probable that you have also aired William Huie, Jim Bishop and others whose positions and versions are for all practical purposes those of Mr. Frank and on that side alone. With this history, and having failed to air the one possible representation of the other side, represented by the extensive investigation I alone have conducted, were you now to air Mr. Frank in a further one-sided presentation to your audience, I think you would be in further violation of applicable FCC regulations.

Under these circumstances, I think it would be wrong for ABC or any of its licensees or programs, to present Mr. Frank and give his book the resultant free advertising, which would have the effect of promoting a still-further one-sided representation of the issues and questions of significance. If you disagree, then I hope you will make it possible for me to make simultaneous presentation of the other side. If Mr. Frank is confident of his own dependability and the viability of his work I would think he would welcome such a confrontation, and I do think it would be the closest possible compliance with the applicable federal regulations. It would also be an expression of fairness by ABC.

Mr. Ray denies being the assassin. He has never admitted it. He has never been tried, incredible as that may seem, especially considering the magnitude and great costs of this crime. He cannot now speak for himself, and he has authorized me to do this for him. I think fairness to him also requires compliance with my requests. I do hope you agree.

Sincerely,

Harold Weisberg